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Danny Biby

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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,  
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SUITE 600

HOUSTON, TX 77070

EXAMINER

NGUYEN, PHUOC H

ART UNIT

PAPER NUMBER

2143

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,486	<b>Applicant(s)</b> BIBY ET AL.	
	<b>Examiner</b> Phuoc H. Nguyen	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-18,30-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-18, 30-35, and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/2007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

1. This office action is in response to the amendment filed on March 14, 2008. Amendment filed on March 14, 2008 have been entered and made of record. Applicant amended claims 1, 3, 4, 7, 8, 10, 11, 14-18, 30, 33, and 37 further cancelled claims 2 and 36. Therefore, pending claims 1, 3-18, 30-35, and 37 are presented for further consideration and examination.

### ***Response to Arguments***

2. Applicant's arguments filed March 14, 2008 have been fully considered but they are not persuasive.

The applicant argues in pages 13-14 for claim 1 that the Office action fails to indicate how the Figures 1-2 and Figures 6-9 are related to a server script running in a loop as newly added.

The examiner respectfully submits that Figure 1B discloses the server script hosted/developed by the third party which is continuously running/looping on the server for monitoring and modifying the changes upon the detection for the clients.

The applicant further argues in page 14 for claim 1 that the cited reference fails to disclose a limitation of for each run of the loop, the server script sends requests for data information to the data information source.

The examiner respectfully submits that Figure 1B logically discloses the above alleged limitations wherein the looping script is the third party script communicating with database ODBC for obtaining necessary information.

The applicant argues in page 14 last paragraph for claim 3 that the cited reference fails to disclose the server loop keeps an on going connection between the web server and the client as cited in the claimed invention.

The examiner respectfully submits that Figure 1B and col. 2 line 51 to col. 3 line 9 somewhat explain the above features wherein the third party script 120 in Figure 1B continuously monitoring automatically and updating the changes to the client 110 for synchronization and consistency.

The applicant argues in page 16 first paragraph for claim 7 that the cited reference fails to disclose a step of downloading a monitoring web page from the web server, monitoring the web page defining a visible pane and an invisible pane.

The examiner respectfully submits that Figure 1B discloses the above alleged limitations wherein the visible pane is the pane for displaying in browser and the invisible pane is logical pane for receiving data to display as invisible.

The applicant argues in page 17 for claim 8 that the cited reference fails to disclose a web browser running on the client computer device in response to receiving a particular URL, downloads a monitoring web page from the web server, the monitoring web page defining a

visible pane and invisible pane wherein invisible pane receiving the client script, the visible pane being visible on the displays of the client server and being updated via the client script.

The examiner respectfully submits that Figure 1B discloses the above alleged limitations wherein the visible pane is the pane for displaying in browser and the invisible pane is logical pane for receiving data to display as invisible wherein the third party script 120 in Figure 1B continuously monitoring automatically and updating the changes to the client 110 for synchronization and consistency.

The applicant argues in page 18 last paragraph for claim 16 that the cited reference fails to disclose a processing unit downloading a monitoring webpage, the monitoring webpage including an invisible pane and visible pane. Similar arguments for claims 17-18, 30-35 and 37 are also addressed in pages 19-20.

The examiner respectfully submits that Figure 1B discloses the above alleged limitations wherein the visible pane is the pane for displaying in browser and the invisible pane is logical pane for receiving data to display as invisible wherein the third party script 120 in Figure 1B continuously monitoring automatically and updating the changes to the client 110 for synchronization and consistency.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-11, 13-18, 30-35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by et al. (U.S. 6,317,777).

Re claim 1, Skarbo et al. disclose in Figures 1-2 and 7-9 a system for providing a semi real-time, automatically-updateable web page (e.g. abstract and Figure 9 as the real-time conference system), the system comprising: a web server (e.g. server side 100 in Figure 1B); a client computer device having a display and a web browser (e.g. client side 104 in Figure 1B); a server script running on the web server, the server script being operative to request, and receive in response to the request, data information from a data information source and generate a client script based, at least in part, on the data information, and download the client script to the client computer device (e.g. col. 3 lines 30-55, col. 6 lines 37-44, and col. 7 lines 25-35); and the web browser running on the client computer device being operative to enable the client computer device to interface with the web server through a network, the web browser receiving the client script from the web server and running the client script, whereby the display of the client computer device is updated to display the data information (e.g. Figures 1-2, col. 2 lines 51-63, and col. 4 lines 16-26), wherein the server script runs in a loop (e.g. by the third party script browser 110 in Figure 1B), and wherein for each of the loop, the server script sends requests for data information to the data information source (e.g. col. 2 lines 63 to col. 3 lines 28).

Re claim 3, Skarbo et al. further disclose in Figures 1-2 and 7-9 the server script runs in a loop (e.g. by Figures 5-6) and the server script is operative to download the client script to the client computer device, every cycle of the loop, only when new data information has been

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received, whereby using the loop keeps an on going connection between the web server and the client (e.g. Figure 2).

Re claim 4, Skarbo et al. further disclose in Figures 1-2 and 7-9 the server script is operative to receive data information from a data information source by placing a call to a COM application (e.g. col. 7 lines 25-35).

Re claim 5, Skarbo et al. further disclose in Figures 1-2 and 7-9 the COM application runs on the web server (e.g. col. 7 lines 25-35).

Re claim 6, Skarbo et al. further disclose in Figures 1-2 and 7-9 the COM application runs on the web server and provides an interface to an external device from which to obtain the data information (e.g. Figures 1 and col. 7 lines 25-35).

Re claim 7, Skarbo et al. further disclose in Figures 1-2 and 7-9 the web browser running on the client computer device, in response to receiving a particular URL, downloads a monitoring web page from the web server, the monitoring web page defining a visible pane and an invisible pane (e.g. col. 7 lines 1-10 and lines 25-35).

Re claim 8, Skarbo et al. further disclose in Figures 1-2 and 7-9 the web browser running on the client computer device, in response to receiving a particular URL, downloads a monitoring web page from the web server, the monitoring web page defining a visible pane and an invisible pane, the invisible pane receiving the client script, the visible pane being visible on the display of the client server and being updated via the client script (e.g. col. 7 lines 1-10 and lines 25-35).

Re claim 9, Skarbo et al. further disclose in Figures 1-2 and 7-9 the network is selected from a group consisting of the Internet and intranet (e.g. network in Figures 1).

Re claim 10, Skarbo et al. further disclose in Figures 1-2 and 7-9 the web server includes a COM application and the client computer device includes a control interface and, in response to receiving a control command on the control interface of the client computer device, the web browser requests the download of a command web page, the command web page including a command server script which when executed, places a call to a COM application running on the web server, the COM application being operative to perform the control command (e.g. col. 7 lines 25-35).

Re claim 11, Skarbo et al. further disclose in Figures 1-2 and 7-9 the web server includes a COM application and the client computer device includes a control interface and, in response to receiving a control command on the control interface of the client computer device, the web browser requests the download of a command web page, the command web page including a command server script which when executed, places a call to a COM application running on the web server, the COM application being operative to send the command to be executed on another device (e.g. col. 7 lines 25-35).

Re claim 13, Skarbo et al. further disclose in Figures 1-2 and 7-9 if the COM application is not successful to perform the control command, an error web page is downloaded to the client computer device (e.g. inherently).

Re claim 14, Skarbo et al. further disclose in Figures 1-2 and 7-9 web server includes a COM application and a plurality of command server scripts, and the client computer device includes a control interface and, in response to receiving a control command on the control interface of the client computer device, the web browser requests the download of a command web page including at least one of the plurality of command server scripts, each of the plurality



of command server scripts being operative, when executed, to place a call to the COM application to perform the control command (e.g. col. 7 lines 25-35).

Re claim 15, Skarbo et al. further disclose in Figures 1-2 and 7-9 web server includes a COM application and a plurality of command server scripts, and the client computer device includes a control interface and, in response to receiving a control command on the control interface of the client computer device, the web browser requests the download of a command web page including at least one of the plurality of command server scripts, each of the plurality of command server scripts being operative, when executed, to place a call to send the command to be executed on another device (e.g. col. 7 lines 25-35).

Re claim 16, Skarbo et al. disclose in Figures 1-2 and 7-9 a client computer device supporting an updateable web page (e.g. abstract and Figure 9 as a real-time conference system), the client computer device comprising: a web server interface; a display; a control interface; a memory storage device containing a web browser; and a processing unit (e.g. Figure 1B with the server side 100 and col. 3 lines 29-55); the processing unit, in conjunction with the web browser, being operative to: receive a monitoring web page URL via the control interface (e.g. col. 4 lines 16-26 and col. 6 lines 32-44); receive the monitoring web page corresponding with the monitoring web page URL via the web server interface, the monitoring web page including an invisible pane and a visible pane (e.g. col. 5 lines 1-5), the invisible pane being operative to periodically receive a client script via the web server interface and to execute the client script whereby the information in the visible pane of the monitoring web page is automatically updated (e.g. Figures 1B and 2), the visible pane being displayed on the display device by the web browser (e.g. Figures 1 and 9).

Re claim 17, Skarbo et al. disclose in Figures 1-2 and 7-9 a method for providing an updateable web page that can provide updates of rapidly changing data to a client computer device (e.g. abstract and Figure 9 as a real-time conference system), the method comprising: retrieving a monitoring web page from a web server, the monitoring web page defining a visible pane and an invisible pane, the web server including an ASP page, the ASP page including a server script and a client (e.g. col. 3 lines 30-55, col. 6 lines 33-44, and col. 8 lines 40-58), the server script being operative to obtain status information, modify the client script in accordance with the status information, and load the client script into the invisible pane of the monitoring web page (e.g. Figures 1-2 and 9); and executing the client script, the client script being operative to modify the visible pane of the monitoring web page to display the data information (e.g. Figure 5).

Re claim 18, Skarbo et al. disclose in Figures 1-2 and 7-9 the server script is operative to obtain status information by placing a call to a COM application and receiving a response from the COM application, the COM application being operative to interface to an external device and obtain status information and provide the status information to the server script in the form of a response (e.g. col. 7 lines 25-35).

Re claim 30, Skarbo et al. disclose in Figures 1-2 and 7-9 web server for providing automatic updates to a web page displayed on a remote device (e.g. Figures 1 and 9 as the real-time conference system), the web server comprising: a network interface (e.g. component 518 in Figure 10); a memory storage device containing a program module and a COM application (e.g. component 114 in Figure 1B); and a processing unit (e.g. in the document server 100 in Figure 1A); the processing unit, in response to executing the program module, being operative to:

receive a request via the network interface to download a monitoring web page to the remote device (e.g. Figure 5); execute a looped server script, the looped server script being operative to interface with the COM application to obtain updated status information (e.g. col. 7 lines 25-35); generate a client script based, at least in part, on the updated status information; and download the client script to the remote device via the network interface (e.g. col. 3 lines 30-55 and col. 8 lines 40-58).

Re claim 31, it has same limitations cited in claim 6. Thus, claim 31 is also rejected under the same rationale as cited in the rejection of rejected claim 6.

Re claim 32, it has same limitations cited in claim 9. Thus, claim 32 is also rejected under the same rationale as cited in the rejection of rejected claim 9.

Re claim 33 is substantially the same as claim 5 and is thus rejected for reasons similar to those in rejecting claim 5. Skarbo et al. further discloses wherein the web browser running on the client computer device (e.g. browser 110 in Figure 1b), in response to receiving a particular Universal Resource Locator, downloads a monitoring web page from the web server (e.g. from the extension DLL 112 in Figure 1b), the monitoring web page defining a visible pane and an invisible pane (e.g. Figure 1b wherein the visible pane is the pane for displaying in browser and the invisible pane is logical pane for receiving data to display as invisible).

Re claim 34, it has similar limitations cited in claim 2. Thus, claim 34 is also rejected under the same rationale as cited in the rejection of rejected claim 2.

Re claim 35, it has similar limitations cited in claim 3. Thus, claim 35 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

Re claim 37, it has similar limitations cited in claim 8. Thus, claim 37 is also rejected under the same rationale as cited in the rejection of rejected claim 8.

*Allowable Subject Matter*

5. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc H Nguyen/  
Primary Examiner, Art Unit 2143

June 7, 2008